

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

John Doe.

Plaintiff,

v.

Baila Sebrow

Defendant

Case No. 2:21-cv-20706

**AFFIDAVIT OF SERVICES PURSUANT TO UNITED STATE MAGISTRATE JUDGE
EDWARD S. KIEL'S NOVEMBER 10, 2022 ORDER**

1. I am a partner at the law firm of Daniel Szalkiewicz & Associates, P.C, and make this declaration pursuant to the Court's November 10, 2022 Order.

2. I was admitted to practice in the States of New York and New Jersey in 2010 and have practiced continuously since then. Together with Cali Madia, we have been the partners involved in this lawsuit and we have represented Plaintiff in all phases of this litigation.

3. I have been responsible for reviewing the time records in this case from its inception to the present. I am familiar with the activities that the attorneys and staff have performed in representing the Plaintiff. I am also familiar with the time and cost of those activities.

4. Attached as Exhibit "1" to this declaration are true and correct copies of time entries for services rendered in this matter by myself relating to: the preparation of the proposed joint discovery plan, preparation for the conference, and attendance at the conference. These entries represent contemporaneous billing records for this matter. The time entries contain sufficient detail of the task performed to show that the amount of time expended for the work

described was reasonable. Moreover, given my role in the case, familiarity with the work performed, and my experience, as further described below, I have personal knowledge that the amount of time expended was reasonable.

5. As described in detail below, the lodestar for the work by, through the drafting of this certification, is \$990.00.

6. Over the course of this litigation, our customary hourly billing rate is \$500.00. However, we have agreed to reduce our rate to \$450.00 for the Plaintiff given the level of harassment he faced from the defendant.

7. The rates charged by each attorney were the customary and normal rates charged to other clients at the times each of the services was performed. Because our billing rates are based on market conditions, I believe that the rates we charged reflected rates for similarly qualified attorneys in New York and New Jersey.

8. Both the hours spent by us and the rates charged for those hours are reasonable and were necessary for the representation of Plaintiff in this case. Because the rates and number of hours were reasonable, the total lodestar amount is also reasonable.

9. Had we not been representing Plaintiff in this matter, our attorneys would have been fully utilized on other billable client work.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: November 11, 2022
New York, New York

/s/Daniel S. Szalkiewicz
By: Daniel S. Szalkiewicz, Esq.

Activities Export

12/23/2022
10:29 AM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
11/14/2022		Begin drafting of settlement agreement	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.50h	\$450.00	-	\$225.00
		 Billed invoice 190						



Activities Export

12/23/2022
10:29 AM

Date	▲	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
11/22/2022			Continued drafting of settlement memorandum. 	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.90h	\$450.00	-	\$405.00
12/05/2022			Drafting of email to opposing counsel, continued drafting of settlement memorandum 	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.60h	\$450.00	-	\$270.00
12/09/2022			Continued drafting of settlement memo, preparation of text messages to present to court 	00055-Bell Defamation Matter	Daniel Szalkiewicz	1.40h	\$450.00	-	\$630.00
12/12/2022			Continued drafting of settlement memorandum 	00055-Bell Defamation Matter	Daniel Szalkiewicz	1.20h	\$450.00	-	\$540.00
12/13/2022			Review of redlined version of memo from co counsel, incorporated changes into	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.30h	\$450.00	-	\$135.00
								\$	\$

Activities Export

12/23/2022
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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
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[REDACTED]

sent same, filed same with court ● Billed invoice 190								
12/16/2022	🕒	Review of letter from Heller to court regarding settlement conference, drafting of email to client regarding same ● Billed invoice 190	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.20h	\$450.00	-	\$90.00
12/17/2022	🕒	Review of emails from client concerning Heller's 12.16.22 letter to court, telephone call with same regarding the letter ● Billed invoice 190	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.30h	\$450.00	-	\$135.00
12/20/2022	🕒	Conversation with client, drafting of correspondence to court, sent same ● Billed invoice 190	00055-Bell Defamation Matter	Daniel Szalkiewicz	0.30h	\$450.00	-	\$135.00
12/21/2022	🕒	Review of information in advance of conference, preparation for and attendance at settlement conference, review of court order ● Billed invoice 190	00055-Bell Defamation Matter	Daniel Szalkiewicz	4.70h	\$450.00	-	\$2,115.00

[REDACTED]

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Activities Export

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
12/21/2022		Billed invoice 190						
		NO CHARGE: meeting with witness regarding text messages	00055-Bell Defamation Matter	Daniel Szalkiewicz	2.10h	\$0.00	-	\$0.00
		Billed invoice 190						

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

John Doe.

Plaintiff,

v.

Baila Sebrow

Defendant

Case No. 2:21-cv-20706

**AFFIDAVIT OF SERVICES PURSUANT TO UNITED STATE MAGISTRATE JUDGE
EDWARD S. KIEL'S DECEMBER 21, 2022, ORDER**

1. I am a partner at the law firm of Borenstein, McConnell & Calpin, P.C., co-counsel for Plaintiff. I make this declaration pursuant to the Court's December 21, 2022 Order.

2. I was admitted to practice in the States of New York in 1975 and New Jersey in 1979. I have practiced law continuously since then. I have handled (argued and tried) complex litigation matters in New York, New Jersey and across the United States.

3. I have been responsible for reviewing the time records in this case from its inception to the present. I am familiar with the activities that the attorneys and staff have performed in representing the plaintiff. I am also familiar with the time and cost of those activities.

4. Over the course of this litigation, my customary hourly billing rate is \$600.00. However, I have agreed to reduce my rate to \$500.00 for the purposes of this matter.

5. To date, I have billed Plaintiff 10 hours to prepare for the settlement conference, meet with the client in person and by phone and electronically multiple times, regarding the conference, review and edit my co-counsel's memorandum, and have had various other

conversations with Plaintiff regarding the conference for a total of \$5,000.00. I have had many conversations with co-counsel but have not billed for them in this certification.

6. The rates charged by each attorney were the customary and normal rates charged to other clients at the times each of the services were performed. Attorneys at my level of skill and experience customarily charge between \$600-\$800 per hour. I am charging, as stated, \$500 per hour. Because my billing rates are based on market conditions, I believe that the rates we charged reflect rates for similarly qualified attorneys in New Jersey.

7. Had I not been representing Plaintiff in this matter, I would have been fully utilized on other billable client work.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: December 28, 2022
Springfield, New Jersey

/s/ Abraham Borenstein
By: Abraham Borenstein, Esq.